

REMARKS/ARGUMENTS

In the Claims:

Claims 1-14 and 16-43 are now pending in the present application. Claim 15 has been canceled and claims 1, 14 and 26 have been amended to more clearly describe the subject matter recited therein. New claims 38-43 have been added. None of the foregoing claim amendments disclose new matter.

Rejection of Claims 14-25, 34 and 36-37 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 14-25, 34 and 36-37 under 35 U.S.C. § 102(b) as being anticipated by Adam et al. (US 2002/0181710). Independent claims 1 and 14 have been amended to more clearly describe the subject matter recited therein. As Applicants do not believe Adam et al. to teach the subject matter of the rejected claims as amended, the rejection is respectfully traversed.

The present invention as defined by claim 1 is advantageous in that a user of a mobile device, who uses the mobile device in connection with the claimed apparatus to effect a transaction, does not have to provide any financial data to the claimed apparatus to effect said transaction. Rather, the financial data is stored by the claimed apparatus as a second part of authorisation data required to complete a transaction. Furthermore, the user is not required to carry said financial data on his/her person, to remember said data, nor to enter said data into the mobile device for communication thereof to the claimed apparatus when making a transaction. Thus, there is no financial data carried by the user or contained (stored) in the user's mobile device that could be used by an unauthorised person in the event that the mobile device is stolen or mislaid.

Similarly, no financial data is communicated from the mobile device to the claimed apparatus that could be surreptitiously obtained by intercepting communications between the mobile device and the client device of the claimed apparatus.

Still further, there is no need to communicate transaction data over the air to the mobile device or to obtain over the air authorisation data for a transaction from the mobile device as is found in Adam et al. The claimed system is rendered even more safe in the situation where a user enters a first part of the authorization (e.g. a PIN) in real time (new claim 38) to enable said PIN to be communicated to the client device (located in exemplary embodiments at the point of sale). Thus, in the event that the user's mobile device is stolen, a thief is not able to make use of the mobile device to effect a transaction without also somehow obtaining the user's PIN.. The thief also lacks access to the user's financial data.

None of the prior art references of record disclose or suggest the arrangement of claim 1 as now presented herein. For example, in Adam et al., it is necessary for transaction details to be communicated over the air between a mobile device, a merchant system and an administration server - thereby placing said transaction data at risk of unauthorised interception. Furthermore, in Adams et al., the mobile device must provide authorisation data for a transaction over the air to the administration server. As explained above, this is undesirable for several reasons.

Independent claims 14 and 26 have been amended in similar manner to claim 1 and, thus, the foregoing observations as to the deficiencies of Adam et al. are equally applicable thereto.

Applicants note the Examiner's observations with respect to claims 34, 36 and 37. However, Applicants are unable to identify the specific limitations of said claims from those sections of Adam et al. cited by the Examiner. Applicant therefore respectfully respects that the Examiner's § 102 rejections as to these claims be withdrawn or, in the alternative, that the Examiner describe in more detail where such limitations can be found.

Rejection of Claims 1-13, 26-33 and 35 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13, 26-33 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Adam et al. in view of one or more other US patent references. Applicant has enumerated the deficiencies of Adam et al. above. Combining Adam et al. with these additional patent references does nothing to correct said deficiencies. As such, Applicants respectfully submit that Adam et al. in view of Shore cannot support a rejection of claims 1-13, 26-33 and 35 under 35 U.S.C. § 103(a).

Respectfully submitted,

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